

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SABRINA EVERSON,

Plaintiff,
v.

6:23-CV-06451-FPG

UNITED STATES DEPARTMENT OF
JUSTICE and

UNITED STATES BUREAU OF PRISONS,
Defendants.

**JOINT STIPULATION AND DISMISSAL OF ALL FOIA CLAIMS WITH
PREJUDICE WITH THE EXCEPTION OF ATTORNEY'S FEES**

Pursuant to Federal Rule of Civil Procedure 41 and Local Civil Rule 41, and subject to the Court's approval, the parties through their undersigned counsel stipulate to dismiss all claims under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.*, with prejudice, except for plaintiff's claim for attorney's fees and costs. The parties respectfully request to be provided 60 days, until December 23, 2024, to negotiate the claim for attorney's fees and costs, and to file a joint status report if the issue has not been resolved by that time.

1. Defendants have completed producing the documents that plaintiffs requested under FOIA and have resolved all the substantive FOIA issues and claims. The only issue to be decided is plaintiff's claim for attorney's fees and costs.

2. On October 22, 2024, plaintiff submitted time records to defendants in consideration of her claim for attorney's fees and costs. The parties propose that they be given 60 days, or until December 23, 2024, in which to reach resolution on that issue. If resolution has been reached by that date, the parties will file a stipulation of dismissal and settlement of plaintiff's claim for attorney's fees and costs. If a resolution has not been reached by that date,

the parties will file a status report, which will include a proposed briefing schedule.

3. For these reasons, the parties respectfully request that they be provided 60 days, until December 23, 2024, to negotiate a settlement of plaintiff's claim for attorney's fees.

Respectfully submitted,

Dated: October 24, 2024
New York, New York

Dated: October 24, 2024
Buffalo, New York

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Western District of New York

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SO ORDERED.

Dated: Rochester, New York
October __, 2024.

MARIAN W. PAYSON
United States Magistrate Judge